

REMARKS

Claims 1-30 were originally filed in the present application.

Claims 1-30 are pending in the present application.

Claims 1 -30 were rejected in the May 25, 2005 Office Action.

No claims have been allowed.

Reconsideration of Claims 1-30 in view of the following arguments is respectfully requested.

35 U.S.C. §103(a) Rejections

In Section 2 of the May 25, 2005 Office Action, the Examiner rejected Claims 1, 3, 6, 8, 16, 18, 21 and 23 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,115,608 to *Duran et al.* (hereafter, “*Duran*”) in view of U.S. Patent No. 5,627,830 to *Kotzin* (hereafter, “*Kotzin*”).

In Section 3 of the May 25, 2005 Office Action, the Examiner rejected Claims 2, 7, 17 and 22 under 35 U.S.C. §103(a) as being unpatentable over the *Duran* reference in view of the *Kotzin* reference and further in view of U.S. Patent No. 6,112,088 to *Haartsen* (hereafter, “*Haartsen*”).

In Section 4 of the May 25, 2005 Office Action, the Examiner rejected Claims 4, 5, 9, 10, 19, 20, 24 and 25 under 35 U.S.C. §103(a) as being unpatentable over the *Duran* reference in view of the *Kotzin* reference and further in view of U.S. Patent Application Serial No. 10/034,234 (Pub. No. US2003/0123479) to *Lee et al.* (hereafter, “*Lee*”).

In Section 5 of the May 25, 2005 Office Action, the Examiner rejected Claims 11, 12, 13, 26 and 27 under 35 U.S.C. §103(a) as being unpatentable over the *Duran* reference in view of the *Kotzin* reference and further in view of the *Haartsen* reference.

In Section 6 of the May 25, 2005 Office Action, the Examiner rejected Claims 14, 15, 29 and 30 under 35 U.S.C. §103(a) as being unpatentable over the *Raffel*, *Kotzin* and *Haartsen* references in view of the *Lee* reference. The Applicant believes that the Examiner mistakenly relied on the *Raffel* reference, rather than the *Duran* reference in rejecting Claims 14, 15, 29 and 30. For example, it is noted Claims 14 and 15 depend from Claim 11, which was rejected based on the *Duran*, *Kotzin* and *Haartsen* references. To correct this oversight, the Applicants will therefore assume that the Examiner intended to reject Claims 14, 15, 29 and 30 based on the *Duran*, *Kotzin* and *Haartsen* references in view of the *Lee* reference. However, if this assumption is incorrect, the Applicants reserve the right to argue in a future reply to an Office Action against the combination of the *Raffel*, *Kotzin* and *Haartsen* references in view of the *Lee* reference.

The Applicants respectfully disagree with the Examiner's rejections of Claims 1-30 and direct the Examiner's attention to Claim 1, which contains the unique and non-obvious limitations emphasized below:

1. For use in a wireless communications system, an apparatus for supporting dual standards comprising:
a sectored antenna system for a coverage area; and
an omni antenna system for the coverage area, wherein the sectored antenna system is employed for wireless communications utilizing a first standard within the coverage area and the omni antenna system is employed for wireless communications utilizing a second standard within the coverage area.

The Applicants note that the above-referenced limitations are not disclosed, suggested or even hinted at in any one of the *Duran*, *Kotzin*, *Haartsen*, and *Lee* references, or in any combination of two or more of the *Duran*, *Kotzin*, *Haartsen*, and *Lee* references.

In rejecting Claim 1, the Examiner asserted that the *Duran* reference discloses a wireless communication system for supporting dual standards that utilizes a first standard within a coverage area and utilizes a second standard within the coverage area. In making this assertion, the Examiner relied on Figure 1 of the *Duran* reference and the related text at column 6, lines 32-26 and lines 41-43. The Examiner admitted that the *Duran* reference does not disclose the sectored antenna system and the omni antenna system of Claim 1. However, the Examiner asserted that the *Kotzin* reference does disclose such sectored and omni antenna systems and that the combination of the *Duran* reference and the *Kotzin* reference renders Claim 1 obvious.

The Applicants respectfully assert that the Examiner has misunderstood the teachings of the *Duran* reference. The *Duran* reference discloses two separate communication systems operating in two different signal formats, wherein a mobile station may be handed off from one communication system to the other.

More particularly, the *Duran* reference discloses two base station controllers, namely BSC 26 and BSC 28, that control five base transceiver subsystems, namely BTS 32, BTS 34, BTS 36, BTS 48 and BTS 50. The boxes representing BSC 26 and BSC 28 both contain the letter "B" to indicate that BSC 26 and BSC 28 operate under a first signal format, namely PCS 1900. The circles representing BTS 32, BTS 34, BTS 36, BTS 48 and BTS 50 also contain the letter "B" to indicate

that BTS 32, BTS 34, BTS 36, BTS 48 and BTS 50 also operate under the first signal format, namely PCS 1900. See Figure 1 of the *Duran* reference and column 5, lines 12-51.

The *Duran* reference further discloses a third base station controller, namely BSC 62, that controls three base transceiver subsystems, namely BTS 66, BTS 70, and BTS 76. The box representing BSC 62 contains the letter "A" to indicate that BSC 62 operates under a second signal format, namely IS-661. The circles representing BTS 70 and BTS 76 and the box representing BTS 66 also contain the letter "A" to indicate that BTS 66, BTS 70 and BTS 76 also operate under the second signal format, namely IS-661. See Figure 1 of the *Duran* reference and column 5, line 52, to column 6, line 37.

According to the *Duran* reference, if a mobile station 44 moves into a dead spot 74 that cannot be covered by the base transceiver subsystem 32 operating under the PCS 1900 signal format, the mobile station 44 will be handed off to the base transceiver subsystem 70 operating under the IS-661 signal format. See the *Duran* reference at column 6, lines 16-20.

Assuming for the sake of argument that the *Kotzin* reference does disclose the sectored and omni antenna systems recited in Claim 1, the Applicants respectfully submit that combining the teachings of the *Duran* reference and the *Kotzin* reference still does not disclose the unique and non-obvious limitations recited in Claim 1. If the sectored and omni antenna systems purportedly disclosed by the *Kotzin* reference were added to the eight base transceiver subsystems described in the *Duran* reference, the result would be five base transceiver subsystems (i.e., BTS 32, BTS 34, BTS 36, BTS 48 and BTS 50) that communicate according to one signal format (i.e., PCS 1900)

using either a sectored antenna or an omni antenna, and another three base transceiver subsystems (i.e., BTS 66, BTS 70, and BTS 76) that communicate according to one format (i.e., IS-661) using either a sectored antenna or an omni antenna.

By contrast, the apparatus recited in Claim 1 communicates according to two signal formats (or standards) and uses the omni antenna for one standard and the sectored antenna for the other standard. Moreover, the Applicants submit that the *Haartsen* reference and the *Lee* reference do nothing to overcome the shortcomings of the *Duran* reference and the *Kotzin* reference.

This being the case, Claim 1 recites unique and non-obvious limitations that are patentable over the *Duran*, *Kotzin*, *Haartsen*, and *Lee* references. Furthermore, dependent Claims 2-5, which depend from Claim 1, contain all of the unique and non-obvious limitations that are recited in Claim 1. This being the case, dependent Claims 2-5 are patentable over the *Duran*, *Kotzin*, *Haartsen*, and *Lee* references.

The Applicants note that independent Claims 6, 11, 16, 21 and 26 recite limitations that are analogous to the unique and non-obvious limitations recited in Claim 1. This being the case, independent Claims 6, 11, 16, 21 and 26 are patentable over the cited prior art references. Finally, dependent Claims 7-10, dependent Claims 12-15, dependent Claims 17-20, dependent Claims 22-25 and dependent Claims 27-30, which depend from independent Claims 6, 11, 16, 21 and 26, respectively, contain all of the unique and non-obvious limitations that are recited in independent Claims 6, 11, 16, 21 and 26. This being the case, dependent Claims 7-10, 12-15, 17-20, 22-25 and 27-30 are also patentable over the *Duran*, *Kotzin*, *Haartsen*, and *Lee* references.

The Applicants also disagree with the Examiner's rejections of Claims 2-30 based on additional misdescriptions and/or misapplications of the *Duran*, *Kotzin*, *Haartsen*, and *Lee* references to Claims 2-30. However, the Applicants' arguments regarding those other shortcomings of the *Duran*, *Kotzin*, *Haartsen*, and *Lee* references are moot in view of the Claim 1 arguments above. However, the Applicants reserve the right to dispute in future Office Action responses the appropriateness and the applications of the *Duran*, *Kotzin*, *Haartsen*, and *Lee* references to the claims of the present application, including the right to dispute assertions made by the Examiner in the May 25, 2005 Office Action.

SUMMARY

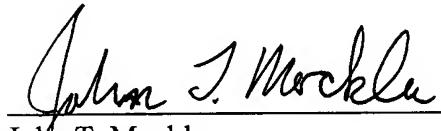
For the reasons given above, the Applicants respectfully request reconsideration and allowance of pending claims and that this Application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this Application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at jmockler@davismunck.com. The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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